

REMARKS

I. Introduction

Claim 62 has been canceled. Claims 123 has been added. Claims 59 to 61, 63 to 120, and 123 are currently pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant thanks the Examiner for the indication that the drawings filed March 12, 2007 are accepted.

II. Interview Summary

Applicant thanks the Examiners for the courtesies extended during the telephone interview of August 15, 2007 among Examiner Meucci, Examiner Caldwell, Aaron Grunberger (Reg. No. 59,210), Tim Lindquist, and Peter Treloar.

The following is a Statement of Substance of Interview of the telephone interview of August 15, 2007.

During the course of the telephone interview, no exhibit was shown and no demonstration was conducted.

During the course of the telephone interview, Applicant's representative noted that Venkatraman et al. do not disclose, or even suggest, a communications server, and in particular one that creates a connection to a connection gateway upon accessing by an Internet browser an address of an extranet in which the communications server is located and which is external to an environment in which the connection gateway is located, as explained in detail below. Examiners Meucci and Caldwell requested that Applicant explain these arguments in the Response to the Final Office Action for their further consideration.

The general result or outcome of the telephone interview is that no agreement was reached regarding the prior art rejections of the presently pending claims, but that Applicant's arguments would be considered.

III. Official Notice and Allegations of Well-Known Fact

The Office Action is replete with statements of official notice and allegations of well-known fact. Applicant respectfully traverses all statements of official notice and allegations of well-known fact and respectfully request published information and/or affidavits under 37 C.F.R. § 1.104(d)(2) to support the statements of official notice and allegations of well-known fact.

IV. Objections to Claims 60 and 108

Claims 60 and 108 have been amended herein without prejudice to obviate the present objections. Withdrawal of the objections to claims 60 and 108 is therefore respectfully requested.

V. Rejection of Claims 89 and 109 to 116 Under 35 U.S.C. § 112

Claims 89 and 109 to 116 were rejected under 35 U.S.C. § 112, ¶ 2, as indefinite.

The Examiner asserts that there is no antecedent basis for “said network,” in claim 89 at line 8. However, the claim recites “said **first** network,” for which antecedent basis is provided at line 3, so that no amendment is deemed necessary.

As regards the term “the establishment of a network,” claim 89 has been amended herein without prejudice to obviate this rejection.

The Examiner further asserts that there is no antecedent basis for “the temporary interconnection” in claim 89 at line 10. However, the claim recites “**a** temporary interconnection,” so that no amendment is deemed necessary.

As regards the rejections of claims 109 to 116, the Examiner does not provide any basis for the rejections. Indeed, it is respectfully submitted that the claims are definite.

Accordingly, it is respectfully submitted that claims 89 and 109 to 116 are clear, give rise to no ambiguity, and therefore definite. Withdrawal of the indefiniteness rejections of claims 89 and 109 to 116 is therefore respectfully requested.

VI. Rejection of Claims 59 to 64, 67, 71, 72, 75, 88 to 94, 96 to 102, 104, 105, 109 to 118, and 120 Under 35 U.S.C. § 102(a)

Claims 59 to 64, 67, 71, 72, 75, 88 to 94, 96 to 102, 104, 105, 109 to 118, and 120 were rejected under 35 U.S.C. § 102(a) as anticipated by European Patent Application Publication No. 0 838 768 (“Venkatraman et al.”). The present rejection should be withdrawn for at least the following reasons.

As an initial matter, claim 62 has been canceled herein without prejudice thereby rendering moot the present rejection with respect to claim 62.

To reject a claim as anticipated under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, the Office Action does not meet this standard as to all of the features of the claims.

Claim 59 relates to a system for remote access of an environment and recites at least one communications server located in an extranet external to the environment and which creates a connection to a connection gateway.

The Office Action asserts that Venkatraman et al., at p. 2, ll. 38 to 43 and p. 4, ll. 24 to 40, and in figure 2, element 30, disclose the communications server.

At p. 2, ll. 38 to 43, Venkatraman et al. discuss a device, such as office, home-based, or lab equipment, which is accessible from a web browser, and does not disclose, or even suggest, a communications server located in an extranet which creates a connection to a connection gateway, as provided in the context of claim 59.

At p. 4, ll. 24 to 40, Venkatraman et al. discuss particular embodiments of the web browser accessible device and further indicates that the web browser and device may be connected over a home-based network 30, which the Examiner apparently relies upon as assertedly disclosing the communications server. However, aside from indicating that the home-based network 30 may include “a variety of communication mechanisms suitable for a home including power line communication links, twisted pair communication links, radio frequency communication links, and infrared communication links,” p. 4, ll. 38 to 40, Venkatraman et al. do not disclose any other features of the home-based network 30, and, in particular, do not refer to any feature of network 30 that discloses, or even suggests, the communications server, as provided for in the context of claim 59.

During the interview of August 15, 2007, the Examiner asserted that the web server 14 and monitor 16 of the device 10 of Venkatraman et al. disclose, respectively, the communications server and connection gateway of claim 59. However, claim 59 recites that the connection gateway is located in an environment and that the communications server is located in an extranet (a network) which, in turn, claim 59 indicates to be external to the environment in which the connection gateway is located. Thus, the environment and the extranet are of different networks. By extension, the communications server and the connection gateway are located in different networks. In contrast, not only are the web server 14 and monitor 16 of Venkatraman et al. of the same network, they are of the same device.

Furthermore, the monitor 16 is not a connection gateway. A gateway is a node on a network that serves as an entrance to another network. (*See, e.g.*, <http://www.webopedia.com/TERM/g/gateway.html>, a copy of which Applicant encloses herewith for the Examiner’s convenience.) The monitor 16 consists of circuitry in device 10 that monitors a set of information pertaining to the device 10. It is not a network node that serves as an entrance to another network. Further, even assuming for argument’s sake that

the device 10 as whole is a connection gateway (which Applicant does not concede), the web server 14 is a component of device 10 and does not create a connection to device 10. Thus, if the device 10 as a whole is relied upon as disclosing the connection gateway, the web server 14 cannot be relied upon as disclosing a communications server that “creates a new connection to” the connection gateway, as provided for in claim 59. Indeed, any review of Venkatraman et al. makes plain that Venkatraman et al. do not disclose, or even suggest, a communications server and a connection gateway as provided for in the context of claim 59.

Furthermore, claim 59 provides that upon accessing a predetermined address by the Internet browser *on the extranet* in which the communications server is located, the communications server creates a new connection to the connection gateway. In contrast, the web browser 40 of Venkatraman et al. accesses an address of the device 10 (which includes the web server 14 and monitor 16). *See* Venkatraman et al., p. 4, l. 56 to p. 5, l. 1. In response, the device 10 returns a web page 18 to the requesting web browser 40. *See* Venkatraman et al., p. 5, ll. 2 to 10. The device 10 does not (nor does the web server 14 of device 10 referred to by the Examiner during the interview of August 15, 2007 as assertedly disclosing the communications server), for example, create a new connection to another device on another network in response to access by the web browser 40 of the address of the device 10. Indeed, Venkatraman et al. do not refer to any element of network 30 or any network that, upon accessing *an address of an extranet in which the element is located*, creates a connection to a connection gateway.

Accordingly, the web server 14 and monitor 16 of the device 10 of Venkatraman et al. do not disclose, or even suggest, the communications server and connection gateway of claim 59.

In the “Response to Arguments” section of the Office Action, the Examiner asserts that p. 3, ll. 20 to 21 and p. 5, l. 10 of Venkatraman et al. disclose accessing an address on the extranet in which the communications server is located by a Internet browser, and that p. 6, ll. 37 to 40 discloses the communications server thereupon creating a new connection to a connection gateway. However, p. 3, ll. 20 to 21 and p. 5, l. 10 refer to access by the web browser 40 of an address of the device 10, and p. 6, ll. 37 to 40 merely indicates various types of devices which may have the functionality of device 10. That is, p. 6, ll. 37 to 40 indicates that each of a chain of washing machines can have the functionality described with respect to device 10, so that the web browser 40 can enter an address of each such washing machine to obtain information regarding the respective washing machine. The cited sections do not disclose, or even suggest, a communications server located in an extranet that

is external to an environment in which a connection gateway is located, and do not disclose, or even suggest, a communications server that, upon accessing by an Internet browser an address of an extranet in which the communications server is located, creates a connection to a connection gateway located in an environment to which the extranet is external.

Accordingly, while Venkatraman et al. may refer to interconnection of various networks, nowhere do Venkatraman et al. disclose, or even suggest, a communications server. Certainly Venkatraman et al. do not disclose, or even suggest, a communications server that creates a connection to a connection gateway upon accessing by an Internet browser an address on an extranet in which the communication server is located and which is external to an environment in which the connection gateway is located.

Since Venkatraman et al. do not disclose, or even suggest, all of the features recited in claim 59, it is therefore respectfully submitted that Venkatraman et al. do not anticipate claim 59.

As for claims 60, 61, 63, 64, 67, 71, 72, 75, 88 to 94, 96 to 102, 104, 105, 109 to 118, and 120, which ultimately depend from claim 59 and therefore include all of the features recited in claim 59, it is respectfully submitted that Venkatraman et al. do not anticipate these dependent claims for the same reasons set forth above in support of the patentability of claim 59.

As further regards claims 61 and 75, claim 61 provides for one or more devices interconnected with said connection gateway and at least one of monitored and controlled by a service, operation of which is controlled or monitored via a user interface as which the connection gateway is adapted to serve, and claim 75 provides for the connection gateway to act as a hub and Internet connection mechanism for connected devices. The Office Action incorrectly asserts that Venkatraman et al., at p. 2, ll. 5 to 11 and 24 to 29, disclose this feature. The cited sections merely refer to various types of devices which may embody the device 10 to which the web browser 40 may connect. Nowhere do Venkatraman et al. disclose, or even suggest, one or more devices interconnected to a connection gateway, or a connection gateway that acts as a hub for connected devices. For this additional reason, it is respectfully submitted that Venkatraman et al. do not anticipate either of claims 61 and 75.

Withdrawal of this anticipation rejection is therefore respectfully requested.

VII. Rejection of Claims 66, 68, 73, 74, 83, 85, 86, and 103 Under 35 U.S.C. § 103(a)

Claims 66, 68, 73, 74, 83, 85, 86, and 103 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Venkatraman et al. and Official Notice. The present rejection should be withdrawn for at least the following reasons.

Claims 66, 68, 73, 74, 83, 85, 86, and 103 ultimately depend from claim 59 and are therefore patentable for at least the same reasons as claim 59 since the Official Notice does not cure the critical deficiencies noted above with respect to Venkatraman et al. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

Withdrawal of this obviousness rejection is therefore respectfully requested.

VIII. Rejection of Claim 65 Under 35 U.S.C. § 103(a)

Claim 65 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Venkatraman et al. and U.S. Patent No. 6,185,316 (“Buffam”). The present rejection should be withdrawn for at least the following reasons.

Claim 65 depends from claim 59 and is therefore patentable for at least the same reasons as claim 59 since Buffam does not cure the critical deficiencies noted above with respect to Venkatraman et al. *Id.*

Withdrawal of this obviousness rejection is therefore respectfully requested.

IX. Rejection of Claims 69, 70, 84, 106, 107, and 119 Under 35 U.S.C. § 103(a)

Claims 69, 70, 84, 106, 107, and 119 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Venkatraman et al. and U.S. Patent No. 5,784,463 (“Chen et al.”). The present rejection should be withdrawn for at least the following reasons.

Claims 69, 70, 84, 106, 107, and 119 ultimately depend from claim 59 and are therefore patentable for at least the same reasons as claim 59 since Chen et al. do not cure the critical deficiencies noted above with respect to Venkatraman et al. *Id.*

Withdrawal of this obviousness rejection is therefore respectfully requested.

X. Rejection of Claims 76 and 78 to 82 Under 35 U.S.C. § 103(a)

Claims 76 and 78 to 82 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Venkatraman et al. and U.S. Patent No. 6,433,801 (“Moon et al.”). The present rejection should be withdrawn for at least the following reasons.

Claims 76 and 78 to 82 ultimately depend from claim 59 and are therefore patentable for at least the same reasons as claim 59 since Moon et al. do not cure the critical deficiencies noted above with respect to Venkatraman et al. *Id.*

Withdrawal of this obviousness rejection is therefore respectfully requested.

XI. Rejection of Claims 77 and 108 Under 35 U.S.C. § 103(a)

Claims 77 and 108 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Venkatraman et al. and U.S. Patent No. 5,668,929 (“Foster, Jr.”). The present rejection should be withdrawn for at least the following reasons.

Claims 77 and 108 ultimately depend from claim 59 and are therefore patentable for at least the same reasons as claim 59 since Foster, Jr. does not cure the critical deficiencies noted above with respect to Venkatraman et al. *Id.*

Withdrawal of this obviousness rejection is therefore respectfully requested.

XII. Rejection of Claim 87 Under 35 U.S.C. § 103(a)

Claim 87 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Venkatraman et al. and U.S. Patent No. 6,032,202 (“Lea et al.”). The present rejection should be withdrawn for at least the following reasons.

Claim 87 depends from claim 59 and is therefore patentable for at least the same reasons as claim 59 since Lea et al. do not cure the critical deficiencies noted above with respect to Venkatraman et al. *Id.*

Withdrawal of this obviousness rejection is therefore respectfully requested.

XIII. Rejection of Claim 95 Under 35 U.S.C. § 103(a)

Claim 95 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Venkatraman et al. and U.S. Patent No. 5,991,881 (“Conklin et al.”). The present rejection should be withdrawn for at least the following reasons.

Claim 95 ultimately depends from claim 59 and is therefore patentable for at least the same reasons as claim 59 since Conklin et al. do not cure the critical deficiencies noted above with respect to Venkatraman et al. *Id.*

Withdrawal of this obviousness rejection is therefore respectfully requested.

XIV. New Claim 123


Claim 123 has been added herein. It is respectfully submitted that new claim 123 does not add any new matter and is fully supported by the present application, including the specification and the drawings, e.g., Fig. 1. Claim 123 depends from claim 59 and is therefore allowable over the cited reference for at least the same reasons set forth above in support of the patentability of claim 59.

XV. Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: August 21, 2007

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gateway

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(n.) (1) A node on a network that serves as an entrance to another network. In enterprises, the gateway is the computer that routes the traffic from a workstation to the outside network that is serving the Web pages. In homes, the gateway is the ISP that connects the user to the internet.

In enterprises, the gateway node often acts as a proxy server and a firewall. The gateway is also associated with both a router, which use headers and forwarding tables to determine where packets are sent, and a switch, which provides the actual path for the packet in and out of the gateway.

(2) A computer system located on earth that switches data signals and voice signals between satellites and terrestrial networks.

(3) An earlier term for router, though now obsolete in this sense as router is commonly used.



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